IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1202 OF 2005

Mehmood Abdullah Athania ..Petitioner

Versus

Brihanmumbai Mahanagar Palika and Ors. ...Respondents.

Mr. M.D. Angal for the petitioner.
Mrs. P.A. Purandare for respondent Nos. 1 and 2.
Mr.R.J. Mane, Assistant Government Pleader, for respondent No.3.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.
DATE: **OCTOBER 10, 2005**.

P.C.

Pursuant to the notice issued by this Court, reply affidavit has been filed by the Assistant Engineer on behalf of Municipal Corporation of Greater Mumbai. In the reply affidavit it is indicated that in spite of service of notice under Section 55 of the M.R.T.P. Act, no reply has been received from the petitioner. As such, after 15 days from the receipt of the said notice, the unauthorised work as mentioned in the notice issued under Section 55 of the M.R.T.P. Act was demolished on 2nd May, 2005 with the help of police force of local Police Station.

2. The short grievance of the petitioner is that he did not have an opportunity of placing all necessary documents before the concerned authorities. Instead of filing reply to the notice under Section 55 of the M.R.T.P. Act, the petitioner has approached this Court. In the peculiar facts and circumstances, we direct that on petitioner making a proper representation within two weeks, the same shall be decided in accordance with law by respondent No.1, Municipal Corporation of Greater Mumbai, as expeditiously as possible, and, in any event, within six weeks from the date of receipt of the order. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.